

333 Constitution Avenue  
Washington, DC 20001

Case: 1:19-cv-02013  
Assigned To : Unassigned  
Assign. Date : 7/1/2019  
Description: FOIA/Privacy Act (I-DECK)

Responsive Pleading

Citing: Rule 12(e)(1)(A) → Non Movants must Respond within 21 days  
Rule 12(a), (b) → as Federal employees - each has failed to  
Respond within 60 days → as Federal agencies - each has Failed to  
Respond within 60 days → therefore

Invoking: Rule 56 → Summary Judgment → Movant K.W. Lewis is  
entitled to Summary Judgment as a matter of Law - as follows

(1) each Non Movant is in violation of the Privacy Act - section →

(a) 552 a(e)(5) → Each Non Movant has failed to maintain K.W. Lewis's  
central files and records accurately and

(b) Privacy Act - section (f) → 552 a(e)(5) and 552 a(g)(1)(C) permit civil  
action by K.W. Lewis - when these Non Movants upon request from K.W. Lewis  
to address the inaccuracies Further

(c) Privacy Act - section (s) → 552 a(d) and 552 a(g)(1)(A) were violated by  
the Non Movants - when they failed to amend or correct the inaccurate  
files of K.W. Lewis therefore

Citing → W. Foster Sellers v Fed. Bureau of Prisons, et al (D.C. Cir 1989) →

(d) K.W. Lewis files this civil Responsive Pleading - for Relief: Alternative  
Relief: Burden of Production - and monetary damages under section (s) →

(e) 552 a(g) and 552 (g)(4) - civil remedies - for adverse affects to K.W. Lewis  
due to inaccurate central files and records Further

(3) K.W. Lewis cites → Strang v United States Arms Control & Disarmament  
Agency, 275 App. D.C. 37, 864, F. 2d 859 (D.C. Cir. 1989) → because  
Strang - in its essence represents a "typical" Privacy Act - violation -  
because (i) K.W. Lewis's factual Assertions were and still are clearly  
Provable. Id. at 866 → Non Movants - simply could review the central  
Files and records of K.W. Lewis For Verification; yet, failed to do so

Kenneth Wayne Lewis

Movant

✓

U.S. Atty. Gen. William Barr - Rule 12 #2, #3, both officially and personally  
Acting Director Hugh J. Hurwitz - Rule 12 #2, #3, Bureau of Prisons both  
officially and personally

United States Department of Justice - Rule 12 #2, as a federal agency

Federal Bureau of Prisons - Rule 12 #2, #3 as a federal agency

Deputy U.S. Atty. Gen. Jerrold Rosen - Rule 12 #2, #3 both officially and  
personally

Non Movant(s)

(a) K.W. Lewis invokes Privacy Act - Section 552 a (d) & whereby  
this Court is compelled to adjudicate these Privacy Act violation(s) and

(i) Jurisdiction / Venue = Each Non Movant - is domiciled in the  
District of Columbia, Washington, D.C. Citing Rule 9 -

(i) K.W. Lewis has a protected property interest in his central files  
and Records = Constitutionally - which affects his protected liberty  
interest - Constitutionally & therefore

(2) under Rule 9 (a) & K.W. Lewis has the legal right and authority to Sue

(3) under Rule 9 (b) & Fraud - Each of the Non Movant has committed  
Fraud & U.S. Atty. Gen. William Barr - under § "3662" failed to review  
in the repository - in the U.S. Department of Justice - K.W. Lewis's conviction  
Records under the Privacy Act - Section 552 a (e) (2) - after being notified  
From March 25, 2019 - May - 2019 &

(4) under Rule 9 (d) & Official document - "3662" required the then  
U.S. Atty. Gen. Eric Holder to re-validate and re-verify K.W. Lewis's conviction  
records - Referencing - Case No. 1:12-cv-10082 & docket sheet page 47  
easily verifiable - Counts (1-4) and the 151 months were imposed in the  
wrong Category of 2 or 3 instead of Category 1 and wrong Guidelines Range  
and Counts (1-4) were ran consecutive of Counts (5-15) -  
and

"2"  
≡

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(i) under Rule 9(a) → K.W. Lewis has the legal right and authority to Sue  
(ii) under Rule 9(b) → Fraud - each of the NonMovant has committed

Fraud → acting Director - Bureau of Prisons - Hugh J. Hurwitz - under the  
Bureau of Prisons - Program Statement → 5800.17 #c - when K.W. Lewis challenged  
his central files in the Bureau of Prisons as being inaccurate, on July 15, 2018 -  
Hugh J. Hurwitz - failed to respond - plead, dispute or answer K.W. Lewis's Factual  
Assertion(s) →

(iii) under Rule 9(d) - Official document(s) → Hugh J. Hurwitz was provided  
under Bureau of Prisons - remedy - three (3) administrative documents as Follows

(a) on 3/16/2017 - (a) BP 8 - response by Case Mgr. Boyd - Building 5B11  
FCT, Jot Dix - Law - N.S. stating - no "new" Pre-Sentence Report" would be issued  
and (b) on 3/24/2017 - Remedy # 893974-F1 - a BP-9 - response by warden David

Ortiz - FCT, Jot Dix → stating - the Bureau of Prisons has your amended  
Judgment and Commitment Order and has properly Calculated your 135  
month "Sentence" → Hugh J. Hurwitz has yet to Respond → Further

(iv) under Rule 9(a)(b)(d) → Deputy U.S. Atty. Gen. Terrod Rosen has failed  
to Respond to a Responsive Pleading issued in May-2019 - under Rule 12 (a)(4)(i)  
21 days have come and gone

### Constructive Presumption → "Relief"

(1) Each Non Movant - as per Certificate of Service - has failed under  
Rule 55(a) to Plead, dispute, defend or answer K.W. Lewis's Factual  
Assertion(s) →

(2) Each Non Movant - is in violation of the Privacy Act - each was afforded  
the opportunity to correct and address K.W. Lewis's inaccurate central files  
and records but each has failed to provide and protect → K.W. Lewis's  
right of due process - because the Truth was relatively easily ascertainable

(3) K.W. Lewis had angst to request → confirmation of U.S. Atty. Gen. William Barr  
For verification of not just the 2014 - conviction records but the 2016 conviction  
records - because under the requirements of section (e)(5) and (g)(1)(C) of the  
Privacy Act - No "NonMovant put forth an effort to act in a fair and  
Lawful manner - even when these inaccurate central files and records were  
adverse to K.W. Lewis - especially under Habeas review - his / False imprisonment  
among other violation from 2012 → Present

(a) Burden of Production - in adherence to the Privacy Act-

(b) K.W. Lewis's central files and records are still inaccurate -

(i) K.W. Lewis asks for three (3) PreSentence Reports -

(i) 2014- doc 292- 5/14/2014- initial PreSentence Report

(ii) 2014- doc. 294- 6/17/2014- revised PreSentence Report

(iii) 2016- alleged PreSentence Report - for Aug. 2, 2016 and

(2) K.W. Lewis asks for "Proof" his objections - were adjudicated

(iv) doc. 296- 6/20/2014- objections to doc. 292- pages 20-24

(v) doc. 307 - 6/23/2014- objections to doc. 294 - pages 22-25

(3) K.W. Lewis asks for "Proof" doc 459- 7/21/2016- "Memorandum"

(vi) "Proof" doc 459- 7/21/2016- was provided to K.W. Lewis on on before June 27, 2016

(vii) "Proof" that objections - given in open court on Aug. 17, 2016 - were adjudicated - and Probation Officer D. Burgess's response - and the government's response

(4) K.W. Lewis asks for transcripts - of the Aug. 2, Aug. 17, 2016 - Sentencing Hearing(s) - to "prove" there was "no" amended PreSentence Report ever issued for either date -

(5) K.W. Lewis asks for "Proof" that Motion 126-1 - 11/23/2013 page 9 - was filed and adjudicated = Brady violation - failure to disclose - Case-1:12-cr-10082

(6) Based on Doc 296- 6/20/2014 or 6/23/2014 - page 6 - under "Hearings De Novo" -> U.S. Atty. Gen. William Barr - Chief Litigator for the U.S. government - must produce all three (3) hesitation evidence - disputing #5 above

(7) Hugh J. Hurwitz - must dispute Exhibit "PB-22 - 4/4/2016" = Basis for change - How could the Court Order modifying Sentence from 221 to 135 without a "PreSentence Report" amended and

(8) Penal Address - U.S. Atty. Gen. William Barr failed to dispute that the Department of Justice owes K.W. Lewis - \$450 billion - in Euros (Pounds - payable in Traveler's cheques and each of the 286 Federal employees) owes \$300 million in Euros (Pounds - payable in Traveler's cheques - individually under § 552(a)(9) and

(9) Under § 552(a)(9) the U.S. Dept. of Justice must Rescue = the \$54 billion per day: Penal Address -> loss on \$100,000,000,000.00 - Euro/P. Investment: June 26, 2019 Responsive Pleading - cones Sent to Mr. J. Maxants the counsel of James Wayne Lewis K.W.

Material Facts

(a) Foundation for → Probable Cause → under the Privacy Act

① section - 552 a(e)(5) → violation = Inaccurate files

(i) Exhibit "Memorandum" → 6 entries

(ii) → TO: date → 7/14/2016 - 452 - document 7/15/2016 - document 455  
7/15/2016 - 453 - document 7/15/2016 - document 456  
7/15/2016 - 454 - document 7/15/2016 - document 457

(b) the Court must:

(2) Compel U.S. Atty. Gen. William Barr - to produce these documents

(3) because - there was no way K.W. Lewis - could have issued any of these

(iii) On July 12, 2016 → K.W. Lewis was removed from PCT, sent DC, under N.S.

(iv) on July 13, 2016 - he was at U.S. P. Canaan → Pennsylvania - and Further

(v) He remained until - July 19, 2016 →

(c) doc. 459-7/21/2016 → confirms several facts

(4) the fact - that "Patricia Sanges" alleged loss is confirmed at \$6,900.00 → while

(vi) doc-323 and doc. 461 - 6/27/2014 and 8/22/2016 - have Patricia Sanges

alleged loss at \$6,975.00 → Nullifying both the Final Judgment and Commitment order  
and the amended Judgment and Commitment order → Warden Ortiz, letter 3/29/2011  
Remedy #893974 - P. Plus

(5) doc. 459-7/21/2016 - objections were issued = never adjudicated → and  
doc. 396, 6/20/2014 - page 6 - defects doc. 409 - Plus

(6) on Jan. 22, 2018 → Affidavit of Pleading to the U.S. Dept. of Justice - has not  
been answered = violation of the Privacy Act

(vii) there is no way for this Court not to allow this civil - responsive  
Pleading in violation of the Privacy Act = June 27, 2019 Kenneth W. Lewis  
KWL

(b) issued on June 27, 2019 to the District Court referencing a Responsive Pleading- District Court located at 333 Constitution Avenue NW Washington, DC 20001- issued by Kenneth Wayne Lewis From Burlington County, FCI, York PA (Law) N.S. and the U.S. Attorneys Office located at 970 Broad Street, Suite 700, Newark, NJ 07102 has received a copy of this responsive pleading - therefore

(a) the New Movant have entirely been notified under both (i) Rule 12 (a)(1)(A)(i) and Rule 12 (b), 3 of which each is in "default"

(b) Confirmation - via Certificates of Service "Copies" and

(ii) Each New Movant has 21 days to Plead, defend, dispute or answer but

(c) Each must produce the specific evidence that is "inaccurate" in Kenneth Wayne Lewis's central files- and Records and

(iii) → the Question before this Court is why

(a) was there "no" genuine "Material" dispute against K.W. Lewis's factual assertions → and

(e) "Exhibit" → memorandum → # doc. 455- 7115/2016 → Response to Pre Sentence Report by Kenneth W. Lewis = Problem - K.W. Lewis was in a U.S. Prison From 7113/2016 - 7119/2016 → being transferred on Remand →

(iv) the New Movants- are in default as, by law → K.W. Lewis is entitled to Summary Judgment - Burden of Production- and Monetary damages- and

(F) Immediate Release as an American citizen - Falsely Imprisoned

June 26, 2019 Kenneth Wayne Lewis